

FILE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

5 APR 21 PM 4 1

SHARON H. SUMMERS,

ROBERT R. DELGADO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

Plaintiff,

v.

No. 05-2107-B/V

FEDERAL EXPRESS,

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On February 7, 2005, the pro se Plaintiff, Sharon H. Summers, filed a complaint under Title VII against the Defendant, Federal Express. The Court entered an order on February 16, 2005, permitting her to proceed in forma pauperis and ordered service of process to be issued as to the Defendant. A summons was issued on March 28, 2005, but on April 19, 2005, the Plaintiff submitted a letter in which she stated "I would like to dismiss my job discrimination case against Federal Express." The Court construes this document as a notice of voluntary dismissal without prejudice under Rule 41(a)(1), Federal Rules of Civil Procedure. That Rule permits that an action may be dismissed by the Plaintiff without order of court

by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, which ever first occurs...

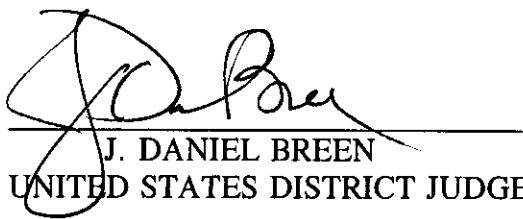
Inasmuch as the Defendant has apparently not been served or at least has not filed an answer, Plaintiff's request will be granted.

Accordingly, based on the foregoing, Plaintiff's "notice of dismissal" is hereby GRANTED and this matter is hereby DISMISSED WITHOUT PREJUDICE.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 4-22-05

(5)

IT IS SO ORDERED this 21st day of April, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF TENNESSEE



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02107 was distributed by fax, mail, or direct printing on April 22, 2005 to the parties listed.

Sharon H. Summers
10647 Stark
Olive Branch, MS 38654

Honorable J. Breen
US DISTRICT COURT